

REMARKS

I. General

Claims 1-8, 11-16, and 31-35 are presently pending in the application. The issue in the current Office Action is as follows:

- Claims 1-35 are rejected under 35 U.S.C. § 102(e) as being anticipated by US 2003/0229809 (hereinafter *Wexler*).

Applicant hereby traverses the rejections and requests reconsideration and withdrawal in light of the remarks contained herein.

II. Claim Amendments

Applicant cancels claims 17-27 and 31-35 by this amendment in order to reduce issues for appeal. Applicant does not concede that any canceled claim is unpatentable and reserves the right to file any of claims 17-27 and/or 31-35 in one or more continuation applications.

III. Claim Rejections

A. 35 U.S.C. § 102(e) (*Wexler*)

On pages 2-12 of the Office Action, claims 1-35 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Wexler*. Applicant requests that the Examiner reconsider the arguments from the response of March 17, 2009 for remaining pending claims 1-8, 11-16, and 28-30. Arguments in favor of patentability will also be presented in an Appeal Brief to be filed shortly.

IV. Conclusion

Applicant believes no fee is due with this response. The fee for the Notice of Appeal filed concurrently herewith has been previously paid. Please charge any fees required or credit any overpayment to Deposit Account No. 06-2380, under Order No. 58895/P004US/10306553 during the pendency of this Application pursuant to 37 CFR 1.16

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Amendment dated August 28, 2009
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through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

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Respectfully submitted,

By 

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